

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

EOD
06/25/2020

INRE:	§	CASE NO. 19-10328
	§	
ALAN WAYNE BYRD	§	
TAMMY LYNN BYRD	§	
14069 North Lantana	§	CHAPTER 13
Orange, TX 77632	§	
xxx-xx-4834	§	
xxx-xx-7095	§	
DEBTORS	§	

**AGREED ORDER ON MOTION OF WELLSPRING FEDERAL CREDIT
UNION FOR RELIEF FROM AUTOMATIC STAY**

Prior to the hearing on the Motion of Wellspring Federal Credit Union ("Movant") for Relief from Automatic Stay (the "Motion"), this Agreed Order was presented to the Court. The attorneys for the Movant and Debtors have agreed to the terms of this order as follows:

1. Movant is the owner and holder of a claim evidenced by a LoanLiner Loan and Security Agreement ("Contract No. 1") dated January 25, 2018, executed by Debtors, which is fully secured by a properly perfected security interest in Debtors' 2010 Chevrolet Camaro bearing VIN 2G1FT1EW5A9125273 (hereinafter called "Collateral No. 1");
2. Movant is the owner and holder of a claim evidenced by a LoanLiner Loan and Security Agreement ("Contract No. 2") dated September 19, 2017, executed by Debtors, which is fully secured by a properly perfected security interest in Debtors' 2006 Chevrolet Silverado bearing VIN 3GCECI4V56G251108 (hereinafter called "Collateral No. 2");

The parties further have agreed, and therefore, it is ORDERED, ADJUDGED, and DECREED that the continuation of the automatic stay shall be conditioned or modified as to the Collateral upon the Debtors not defaulting on any provision set forth below. If the Debtors default on any such provision, the automatic stay shall be terminated as to the Collateral without further order of this Court to allow Movant to proceed to immediately exercise its rights against the Collateral under the Contract and applicable non-bankruptcy law. Such provisions are as follows:

1. Debtors shall, at all times, remain current in their plan payments to the Chapter 13 Trustee's office.
2. Debtors shall, at all times, maintain, and provide to Movant proof of, current and effective full coverage insurance in accordance with the terms of the Contract insuring the interest of Movant in the Collateral. Debtors shall maintain such insurance so long as Movant maintains an interest in the Collateral and Debtors shall provide continued proof of such insurance immediately upon change of insurance or cancellation of same to Movant. Movant shall be listed on the insurance policy as lien-holder. If Movant is required to force-place insurance on the Collateral, then after all refunds/rebates are received and accounted for after Debtors obtain their own policy, the Debtors shall reimburse Movant for the insurance for the time period Movant covered the Collateral within 30 days of receiving notice of the amount.
3. If the Debtors default in any provision of this Order, if the Collateral should be surrendered to Movant, or if a chapter 13 plan is filed that provides for surrender of Collateral to Movant, Movant shall give Debtors, Debtors' attorney, and the Chapter 13 Trustee notice of such default. The Debtors will then have fourteen (14) days after the mailing of such notice to cure such default. If the Debtors fail to cure the defaults within the 14-day period, the automatic stay will lift thereby allowing Movant to proceed against the Collateral under applicable law and to repossess the Collateral and to foreclose its security interest in the Collateral, non-judicially or judicially. Further, if necessary, Movant shall be allowed to file an Amended Proof of Claim for any deficiency resulting after the sale of the Collateral.
4. Nothing in this order shall cause/allow the automatic stay to extend beyond its termination by operation of law and this Agreed Order shall be final upon entry and the fourteen (14) day time period of Federal Rule of Bankruptcy Procedure 4001(a)(3) shall not apply.

Signed on 06/24/2020



THE HONORABLE BILL PARKER
CHIEF UNITED STATES BANKRUPTCY JUDGE

AGREED TO AND APPROVED BY:

BY: /s/ Tagnia F. Clark (with permission)

TAGNIA F. CLARK
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OFFERMAN & KING, L.L.P.

BY: /s/ James W. King.

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ATTORNEY FOR MOVANT

In re:
Alan Wayne Byrd
Tammy Lynn Byrd
Debtors

Case No. 19-10328-bp
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0540-1

User: admin
Form ID: pdf400

Page 1 of 1
Total Noticed: 7

Date Rcvd: Jun 25, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 27, 2020.

db/jdb +Alan Wayne Byrd, Tammy Lynn Byrd, 14069 North Lantana, Orange, TX 77632-5661
cr +21st Mortgage Corporation, c/o Brady Law Firm PLLC, 6351 Preston Road, Suite 160, Frisco, TX 75034-5891
intp +Attorney General of the US, U.S. Dept. of Justice, 10th and Constitution, N.W. Room 5111, Washington, DC 20530-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/Text: sbse.cio.bnc.mail@irs.gov Jun 26 2020 03:12:05 Internal Revenue Service,
P.O. Box 7346, Philadelphia, PA 19101-7346
cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 26 2020 04:52:56
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr +E-mail/Text: jking@offermarking.com Jun 26 2020 03:11:50 Wellspring Federal Credit Union,
c/o James W. King, 6420 Wellington Place, Beaumont, TX 77706-3206
7728070 E-mail/Text: collections@wellspringcu.com Jun 26 2020 03:11:52 Wellspring Credit Union,
150 E Roundbunch Road, Bridge City, TX 77611

TOTAL: 4

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 27, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 25, 2020 at the address(es) listed below:

James W. King on behalf of Creditor Wellspring Federal Credit Union jking@offermarking.com
Lloyd Kraus docs@ch13tyler.com
Michael W. Lockhart on behalf of Creditor Internal Revenue Service USATXE.BankECFBmt@usdoj.gov
Shawn K. Brady on behalf of Creditor 21st Mortgage Corporation sgodwin@brady-law-firm.com
Tagnia Fontana Clark on behalf of Joint Debtor Tammy Lynn Byrd docs@maidaclarklaw.com
Tagnia Fontana Clark on behalf of Debtor Alan Wayne Byrd docs@maidaclarklaw.com
US Trustee USTPRRegion06.TY.ECF@USDOJ.GOV

TOTAL: 7